THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1154 of 2000

Dated:13.09.2006

Between

1.Swaraj Dwcua Group, a registered Society
rep., by its President S.Vijay kumari

…..Petitioner

and

1.The Govt of AP rep., by its
Prl. Secretary, Agriculture,
Secretariat, Hyderabad and
and others.

…Respondents

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W.P.No.1154 of 2000

ORDER:

This writ petiton is filed seeking a Mandamus to declare the action of the respondents in cancelling permission granted to the petitioner to sell grocery and other items in Stall No.125 and 144 of Swarajya Maidan Rytu Bazar, Vijayawada, as illegal and arbitrary.

The case of the petitioner is that it is a Dwacra Group named as Swaraj Dwacra Group registered under the Societies Registration Act and it has been permitted to sell commodities like Red gram dal, Palm Oil, Wheat, Red chills, in stall No.125 and Ginger, Garlic, Corriander and soap nuts in stall No.144. While so, the said permission was cancelled by the Sub Collector, Vijayawada vide impugned proceedings dated 21.1.2000 on the ground that the Swaraj Dwacua Group members brought 4 outsiders in ryot bazar on 20.1.2000 at about 2.30 P.M, who were involved in commission of criminal offences such as causing damage to the property of adjacent stall No.145, apart from

causing bodily harm to the ryot bazar Staff and thus disrupted the peaceful running of the ryot bazar.

The only grievance of the petitioner is that before passing the impugned order, no notice of any kind was issued to it and therefore, the impugned order suffers from gross violation of principles of natural Justice.

On examination of the impugned order, it does not reveal as to what exactly is the damage caused by the petitioner or what is the crime number registered against it or any notice has been issued to it asking to explain as to why its earlier permission should not be cancelled. In the absence of all these things, there cannot be any other opinion except to conclude that the impugned order is in gross of violation of principles of natural justice. Therefore, the impugned order is liable to be set aside.

Accordingly, the writ petiton is allowed and the order impugned is set aside. However, this will not preclude the respondent-authorities from conducting any enquiry and taking appropriate action, available under law. During the pendency of

such an enquiry, the petitioner shall be permitted to run its business as usual. No costs.

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13-09-2006

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